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TAGS: [PHUM](#) [ASEC](#) [PINS](#) [SNAR](#) [KCRM](#) [PA](#)
SUBJECT: SUSPECT COURT RULING SPARKS OUTRAGE AND VIOLENCE

REF: 04 ASUNCION 1099 AND PRECEDING

Classified By: Michael J. Fitzpatrick, CDA a.i.. Reasons: 1.4 (C and D
)

¶1. (U) SUMMARY: A court decision to convict of manslaughter the owners of a supermarket in which 350-plus perished in a fire -- vice the murder charges most Paraguayans clearly sought -- prompted December 5 the worst rioting Asuncion has seen since 1999 riots toppled then-President Cubas. Violence immediately erupted in the court room as the judges read the verdict. The protests rapidly spread to the streets, as initial protests by survivors and/or family members were overtaken by larger street protests of mostly young males hurling rocks and molotovs at the police and (mostly targeted) ransacking of other supermarkets. The government and opposition called (unsuccessfully) for calm, as they moved to sack the judges, annul the ruling and seek a retrial. Police clashed with the protesters, leaving dozens hurt and scores arrested. Though shaken, the Duarte government has now been put on notice by an increasingly on-edge populace. END SUMMARY.

¶2. (U) After two years of simmering controversy and anger, the Ycua Bolanos trial has overheated. The owners of the Ycua Bolanos Supermarket, Juan Pio Paiva and Victor Daniel Paiva, and security guard Daniel Areco were sentenced December 5 to five years each for their involvement in the deaths of more than 350 persons on August 1, 2004. (NOTE: The defendants were originally charged with first-degree murder, serious bodily harm, and other charges for having ordered the supermarket guards to lock the supermarket gates to prevent looting, leaving the customers to perish inside, as the supermarket was overcome with fire and deadly smoke. Two of the three judges found them guilty of the lesser charge of manslaughter and issued the lighter sentences. END NOTE).

¶3. (U) As the court verdict was read (in a sports pavilion, to accommodate the press of public and family interest), outraged victims and/or their families began hurling tables and chairs at the judges and police. The violent reaction quickly spilled into the streets and lasted until well into the evening (only to be dampened by rains). Protesters looted and trashed another (former) Ycua Bolanos supermarket, attempted to set fire to the Paiva family home, destroyed vehicles and police kiosks. Many drew unfavorable comparisons based on class and wealth between the 5-year sentences in a case involving 350 deaths with last week's sentences of up to 35 years for those (of more humble origins) involved in the kidnapping and murder of former President Cubas' daughter. For many, the protests quickly moved beyond the court ruling, however, as protesters called for the government's ouster and the correction of various and sundry injustices. As masked protesters hurled rocks, the police were often reduced to hurling rocks back in running street battles. Mounted

police, water cannon trucks, tear gas and rubber bullets were also employed. More than 52 civilians and 16 police officers were injured in the clashes. Police arrested nearly 80 protesters (NOTE: This is the second time in the past few days in which police have violently clashed with protesters. Last week, healthcare workers demonstrated against the proposed budget cuts in front of Congress. Other recent protests have seen university students and campesino groups striking -- as well as supporters of jailed coup-leader General Oviedo crucifying themselves on crosses outside of Congress. Healthworkers demonstrated again today, only to have their march turn festive, when the lower House suddenly voted to give in to their demands. The city's larger mood, however, remains tense, and the populace resentful, if not angry. END NOTE).

14. (SBU) Attorney General Ruben Candia and prosecutor of the case Edgar Sanchez announced several hours later their requests for the recusal of Judges Manuel Aguirre and Elio Ruben Ovelar from the trial and to have the verdict annulled. Sanchez stated his belief that the decision was a farce and insinuated the judges had been influenced. (There had been public reports previously they had asked USD 300,000 to swing the verdict.) Political figures have also weighed in, roundly denouncing the courts decision. Party leaderships caucused well into the night. President Duarte supported Candia's statements and publicly called for calm, noting the military had been ordered to "stand by" in support of the police (but they were not ever called out directly into the streets). Likely opposition presidential candidate Monsignor Lugo waded directly into the street battles and directly appealed to the rioters for peace and calm and time for the ruling to be reversed -- only to have his bullhorned entreaties ignored. Several Supreme Court justices also commented on the verdict and indicated their desire to see the decision reversed.

15. (C) COMMENT: Victim frustration and the visceral response to this ruling exemplify the lack of faith much of the population has in the Paraguayan justice system. The judiciary has once again proven itself incapable of dealing with high-profile cases in a manner that does not arouse suspicions of impropriety. In addition, political and judicial figures have made it clear their intention to "right the wrong decision" regardless of the legal facts (which may, or may not, have supported a manslaughter conviction). President Duarte and his closest associates moved quickly to get out in front of this protest, if only to blunt the rage against them. Such a move, however, sets the tone for future cases when the public does not believe a decision is just, they can just start (or just threaten) a riot and force a change in policy -- or policymakers. The health workers protest today is just such a case in point. END COMMENT.
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